IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 25TH MAY 2007 / 4TH JYAISHTA 1929

WP(C).No. 15238 of 2005(L)

PETITIONERS:

1. **JEEMON, S/O. V.J. THOMAS, VAZHAKULANGARA, PAMPARA, PULIKAMALI P.O.,ERNAKULAM**
2. **M.X. WILSON, S/O. M.J. XAVIER, MADATHIPARAMBIL, SOCIETY ROAD, MARADU P.O., ERNAKULAM.**
3. **ASHARAF, S/O. P.M. ABDUL RAHIMAN, THAHIRAMANZIL, ANAPARA, PATHANAMTHITTA.**
4. **NOUSHAD M.N., S/O. M.K. NADESAN, MEPPARAMBIL HOUSE, PONJIKARA, MULAVUKADU P.O., ERNAKULAM.**
5. **SAHADEVAN E.K., S/O. A.N.KARUNAKARAN, EDAPPALAYIL HOUSE, VADAYAMPADI.**

BY ADV. SRI.ANCHAL C.VIJAYAN

RESPONDENTS:

1. **THE STATE OF KERALA, REPRESENTED BY ITS SECRETARY TO GOVERNMENT, DEPARTMENT OF LOCAL ADMINISTRATION, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.**
2. **THE DIRECTOR OF URBAN AFFAIRS, THIRUVANANTHAPURAM.**
3. **THE KOCHI CORPORATION REPRESENTED BY ITS SECRETARY, KOCHI.**

BY ADV. SRI.V.S.CHANDRASEKHARAN
BY GOVERNMENT PLEADER SMT.M.R.SREELATHA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.15238/2005

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE ORDER NO.B4-10400/200(2/11) DT.14.1.02 ISSUED BY the 2ND RESPONDENT , IST PETITIONER.

EXT.P2:- COPY OF THE LETTER NO.A4-1430/2002 DT.22.1.02 ISSUED BY THE DISTRICT MEDICAL OFFICER OF HEALTH, ERNAKULAM, 1ST PETITIONER.

EXT.P3:- COPY OF THE ORDER NO.9/02 OF MO1/C DT.28.1.02 ISSUED BY THE MEDICAL OFFICER-IN-CHARGE OF P.H.CENTRE, VALAKOM, 1ST PETITIONER.

EXT.P4:- COPY OF THE LAST PAY CERTIFICATE ON 28.1.02 ISSUED BY THE MEDICAL OFFICER IN CHARGE OF P.H.CENTRE VALAKOM. IST PETITIONER.

EXT.P5:- COPY OF THE ORDER NO.P.D. 1/1442/01 DT.1.2.02 ISSUED BY THE SECRETARY OF 3RD RESPONDENT . 2ND PETITIONER.

EXT.P6:- COPY OF THE ORDER NO E/144/02 DT.31.1.0-2 ISSUED BY THE SUPERINTENDANT, W&C HOSPITAL, MATTANCHERRY. 2ND PETITIONER.

EXT.P7:- COPY OF THE ORDER NO.P.D.1/1442/01 DT.4.12.03 ISSUED BY THE 3RD RESPONDENT . 3RD PETITIONER.

EXT.P8:- COPY OF THE ORDER NO.548/03/M.O.1/C P.H.C. ELANTHOOR DT.3.12.03 . 3RD PETITIONER.

EXT.P9:- COPY OF THE LAST PAY CERTIFICATE ISSUED BY THE MEDICAL OFFICER IN CHARGE OF P.H.CENTRE, ELANTHOOR. 3RD PETITIONER.

EXT.P10:- COPY OF THE ORDER NO.P.D. 1-1442/02 DT. 28.1.02 ISSUED BY THE 3RD RESPONDENT . 4TH PETITIONER.

EXT.P11:- COPY OF THE ORDER NO.12/02 DT.28.1.02 ISSUED BY THE MEDICAL OFFICER IN CHARGE OF P.H.C.KAKKANADU. 4TH PETITIONER.

EXT.P12:- COPY OF THE LAST PAY CERTIFICATE ISSUED FROM THE MEDICAL OFFICER IN CHARGE OF P.H.C.KAKKANADU. 4TH PETITIONER.

EXT.P13:- COPY OF THE ORDER NO.P.D. 1-1442/01 DT.5.4.02 ISSUED BY THE 3RD RESPONDENT . 5TH PETITIONER.

EXT.P14:- COPY OF THE ORDER NO.A. 128/02 DT.5.4.02 ISSUED BY THE MEDICAL CENTRE, VADAVUCODU. 5TH PETITIONER.

EXT.P15:- COPY OF THE LAST PAY CERTIFICATE ISSUED BY THE MEDICAL OFFICER IN CHARGE OF COMMUNITY HEALTH CENTRE, VADAVUCODE. 5TH PETITIONER

EXT.P16:- COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONERS BEFORE THE RESPONDENTS DT.7.2.05. PETITIONERS 1 TO 5.

EXT.P17:- COPY OF THE ORDER NO.B4-8895/03 DT.21.10.03 ISSUED BY THE 2ND RESPONDENT.

EXT.P18:- COPY OF THE JUDGMENT DT.19.7.06 WRIT PETITION (CIVIL) NO.25715/05.

EXT.P19:- COPY OF THE G.O.(ORD) 3148/06/LSGD DT.6.12.06 ISSUED BY THE 1ST RESPONDENT.

/TRUE COPY/

K.BALAKRISHNAN NAIR, J.

W.P.(C) No.15238 of 2005-L

Dated this the 25th day of May, 2007

J U D G M E N T

The petitioners are Junior Health Inspectors working in the Municipal Common Service. They were appointed based on the advice made by the PSC. They submit, they were having regular service in the Health Department in the identical post. They pray for a direction to pay the salary and allowances reckoning the last pay drawn by them from the Health Department. Claiming this relief they have filed Ext.P16 representation. Now, the petitioners have produced Ext.P19 order in which relief has been granted to two similarly placed employees, by the Government. In view of the above position, they pray for consideration of the claim raised by them in Ext.P16, taking into account Ext.P19.

2. I heard the learned Government Pleader for the respondents also.

3. The Writ Petition is disposed of directing the second respondent to forward Ext.P16 with his remarks to the first respondent, within one month from the date of production of a copy of this judgment. In that event, the Government will consider and pass orders on Ext.P16,

taking into account Ext.P19 also within three months from the date of receipt of the representation from the second respondent.

K.BALAKRISHNAN NAIR, JUDGE.

MS